
Remarks

Claim 15 is amended. Claims 1-26 are pending.

In response to the Restriction Requirement mailed February 23, 2007, Applicant provisionally elects, with traverse, the claims of Group I (claims 1-14 and 22-26).

Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks presented herein, is respectfully requested.

The restriction requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. Moreover, it is submitted that Applicant should not be required to incur the additional costs associated with the filing of multiple divisional applications in order to obtain protection for the claimed subject matter.

Furthermore, Applicant respectfully submits that the subject matter of the claims in Groups I and II can be efficiently and effectively searched in a single search with no additional burden placed on the Examiner. Specifically, the search of the claims in Group I (claims 1-14 and 22-26) would likely identify art relevant to the claims in Groups II (claims 15-26). Therefore, Applicant respectfully submits no additional burden would be placed on the Examiner to examine the claims of Groups I and II. Additionally, Applicants have amended claim 15 to depend from claim 1 and respectfully requests that the Examiner examine claims 1-26.

In the Restriction Requirement mailed February 23, 2007, the Examiner required an election of species for search purposes. In response to the election of species requirement Applicant elects "a human nutritional product" as the species for search purposes. Applicant believes that claims 1-22 read on the elected species.

RESPONSE TO RESTRICTION REQUIREMENT

Serial Number: 10/806,053

Filing Date: March 22, 2004

Title: PROCESS FOR PREPARING BIOACTIVE PROTEIN-ENRICHED WHEY PRODUCTS

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6905 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

CHAO WU ET AL.

By their Representatives,

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Date

March 10, 2007

By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20th day of March 2007.

Name

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Signature

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